THE FOURTH DAY.

15th February 1917.

The Assembly met at 11-30 A. M. on Thursday, the 15th February 1917.

33. Need for passing the Christian Succession Bill into law.

Mr. V. J. Joseph, B. A., B. L. (Member, Nominated) said that, since the Bill had already become law, he had only to submit the thanks of his community both to His Highness the Maha Raja and the Dewan for having given them such a piece of legislation. The Member assured the Government that Regulation II of 1092 would be a standing monument of His Highness' solicitude for the welfare of his Christian subjects and that the act of kindness would ever be cherished in grateful memory by his community.

34] Impropriety of passing the Christian Succession Bill into law without ascertaining the views of the people affected by it.

C1 *Mr. Chandi Mani Andrew Fereira* (Member, Shertallai taluk) said that he had sent in his memorandum of subjects before the Bill was passed into law and that, as the Bill had already become law, he had only to offer certain suggestions in regard to the amendments that might be found necessary.

The Member said that it was encouraging that the Government were ready to consider the question of making suitable amendments, whenever any provision was found to be unworkable or injurious to the interests of the people concerned, and requested that, whenever any section was found to require amendment, the opinion of the people might be taken by means of a responsible Committee so that the conflicting views on the point could be ascertained. An equal number of the representatives of both views should be allowed to be present in the Council when the amendments were being considered and their arguments should be fully heard. That would enable the members of the Council to vote either for or against the proposed amendments. Referring to clause 1 of section 4 of the Regulation, the Member said that it was not clear whether the exemption of any individual from the operation of the whole or any part of the Regulation would affect his descendants. The wording should be made clear so as to make the section applicable to the descendants also. The Member was of opinion that there would be many persons desiring to get exemption. He prayed that facilities might be afforded for such men to get exemption without being put to unnecessary difficulties. He also suggested that applications for exemption under provisos 1 and 2 of section 4 might be made by means of an affidavit attested by a responsible officer and that such applications be exempted from the payment of Court-fees.

In conclusion, he thanked the Government for having given the community a substantive law and said that, in spite of several differences of opinion in regard to certain points, the whole Christian community would cherish within their hearts feelings of gratitude to the Government for the law.

Mr. Ittoop Korathu (Member, Alengad taluk) said that he too gave notice of the subject before the Bill had become law. He then presented, for the consideration of Government, his memorandum in which he had stated that the Regulation had prejudicially affected the interests of the Syrian Christian community in particular, especially those who were living in the northern taluks, that the latter community

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in those taluks used to contract marriages with the Christians of the Cochin State and that the Regulation stood in the way of effecting such inter-marriages. The Member prayed that the whole of the Syrian Christian community be exempted from the operation of the Regulation, or, that provision might be made allowing those who desired such exemption to claim the same, as otherwise the interests of one large section of the Christian community would be at stake. The procedure for applying for and obtaining such exemption in individual cases should be simplified and definite rules relating to it should be published in the Gazette.

Dewan's reply.—The question of amendments can properly be considered only when difficulties arise in the actual working of the law. It is too early now to think of amendments. The suggestions of the Members are, however, noted.

35. Need for legislation in the matter of *thavazhi* partition in Nair Tarwads.

Mr. R. Narayana Pillai (Member, Neyyattinkara taluk) said that, though the Marumakkathayam Committee was unanimously of opinion that partition should be allowed in Nair Tarwads, no provision to that effect was found in Regulation I of 1088. The Member submitted that it was imperative that *thavazhi* partition should be allowed in Nair Tarwads. The so-called common Karanavans of ancient and respectable families were not able to maintain the prestige and solidarity of the families on account of insubordination and growing dissatisfaction of the junior members. In fact, the Nair Tarwad had now come to a totally different position from what it was when compared with the olden days. The common Karanavan did not manage the family properly and the income was not evenly distributed for the well-being of the several members. It resulted in internal dissensions and endless quarrels and at times compelled some of the members to live separately with their children. In many cases, the Karanavan appropriated a major portion of the family income for the welfare of his children, which was a source of just grievance to the members of the different *thavazhis* who did not derive any material assistance from the family. There were instances, in which Karanavans showed preferential treatment to the members of his own *thavazhi* to the utter disappointment of the other *thavazhis* who had also an equal claim on the Tarwad funds. Under the present system, the junior members had no individual credit and the Tarwad property was not capable of expansion. In view of those evils, the Member prayed that early steps might be taken to amend the Regulation so as to provide for *thavazhi* partition in Nair Tarwads.

Mr. N. C. Kesava Pillai (Member, T. I. C., Neyyattinkara) said that the absence of a law of partition was a long-felt want of the Nair community, that the community was labouring under serious disabilities and that, to the great misfortune of the community and in the face of pronounced consensus of opinion on the subject, a law of partition was denied to them at the time of passing the Nair Regulation. The law of partition was highly necessary for the stability and prosperity of Marumakkathayam Tarwads and a desire for separation of interests was on the increase among the members of the community. Partition was useful in minimising the evils inherent to a joint family system; and corporate ownership and common enjoyment of property were possible only up to a certain stage in any family. The conflict of interests with duty between the remotely-related members, the Karanavan's ingrained tendency to direct his stewardship to his personal advantage, his inordinate desire to benefit his wife and children at the expense of the Tarwad, the number of unnecessary alienations, and, in short, the atmosphere of indifference and apathy that pervaded in the family made it imperative that the Government should intercede and do the needful. The fact that, in Travancore, there was a widespread feeling in favour of *thavazhi* partition would be apparent from the evidence collected by the Marumakkathayam Committee. The Member did not want *all* Nair Tarwads to be divided at once by an order of the legislature. If a Tarwad was capable of enjoying a healthy life, it would and should continue intact. What he advocated was that there should not be any legal disability to demand partition in cases where the conditions of a Tarwad necessitated its members to resort to that course.

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